



February 18, 2005

HOUSE BILL No. 1170

DIGEST OF HB 1170 (Updated February 15, 2005 10:24 am - DI 103)

Citations Affected: IC 5-2; IC 5-10; IC 20-5; noncode.

Synopsis: School corporation police department. Provides that the governing body of a school corporation may establish a school corporation police department that is staffed with police officers who have full police powers and whose survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2005, to complete the law enforcement academy education and basic training requirements not later than July 1, 2008. Imposes deadlines for school corporation police officers to commence law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2005, is considered a school corporation police department established under this act after June 30, 2005.

Effective: July 1, 2005.

Hinkle

January 6, 2005, read first time and referred to Committee on Public Safety and Homeland Security.
February 17, 2005, amended, reported — Do Pass.

HB 1170—LS 6701/DI 87+



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February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1170

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-8-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) ~~As used~~ **The following**
3 **definitions apply** in this section:

4 (1) "Abuse" means:

5 (A) conduct that causes bodily injury (as defined in
6 IC 35-41-1-4) or damage to property; or

7 (B) a threat of conduct that would cause bodily injury (as
8 defined in IC 35-41-1-4) or damage to property.

9 (2) "County law enforcement agency" includes:

10 (A) university police officers appointed under IC 20-12-3.5;
11 **and**

12 (B) **school corporation police officers appointed under**
13 **IC 20-5-2-9.**

14 (b) There is established in each county a county law enforcement
15 continuing education program. The program is funded by amounts
16 appropriated under IC 33-37-8-6.

17 (c) A county law enforcement agency receiving amounts based upon

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claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6 a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and

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abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" has the meaning set forth in section 1(a) of this chapter.

(2) "City or town law enforcement agency" includes:

(A) university police officers appointed under IC 20-12-3.5;
and

(B) **school corporation police officers appointed under IC 20-5-2-9.**

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4 a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of

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that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 5-10-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

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- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university police officer appointed under IC 20-12-3.5.
- (13) A school corporation police officer appointed under IC 20-5-2-9.**
- ~~(13)~~ **(14)** An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- ~~(14)~~ **(15)** A firefighter who is employed by the fire department of a state university.

SECTION 4. IC 20-5-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. (a) The governing body of a school corporation may establish a school corporation police department and do the following for the school corporation police department:**

- (1) Appoint school corporation police officers.**
- (2) Prescribe the duties and direct the conduct of school corporation police officers.**
- (3) Prescribe distinctive uniforms.**
- (4) Provide emergency vehicles.**

(b) To be eligible for appointment as a school corporation police officer, an individual must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and**
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.**

(c) Notwithstanding subsection (b) and IC 5-2-1-9, an individual

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1 appointed as a school corporation police officer before July 1, 2005
2 must complete, not later than July 1, 2008, at least:

- 3 (1) the pre-basic training course established under
4 IC 5-2-1-9(f); and
5 (2) the minimum basic training and educational requirements
6 adopted by the law enforcement training board under
7 IC 5-2-1-9 as necessary for employment as a law enforcement
8 officer.

9 (d) A school corporation police officer appointed under this
10 section:

- 11 (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
12 (2) must take an appropriate oath of office in a form and
13 manner prescribed by the governing body;
14 (3) serves at the governing body's pleasure;
15 (4) performs the duties that the governing body assigns; and
16 (5) has full police powers to enforce all the penal laws of the
17 state and possesses, with respect to those laws, the power to
18 effect arrests for offenses committed in the school corporation
19 police officer's presence.

20 (e) A school corporation police department established before
21 July 1, 2005, shall be considered a school corporation police
22 department established under this chapter after June 30, 2005.

23 SECTION 5. [EFFECTIVE JULY 1, 2005] (a) An individual
24 appointed as a school corporation police officer before January 1,
25 2005, must commence the training and education required under
26 IC 20-5-2-9(c), as added by this act, not later than January 1, 2006.
27 However, an individual who is unable to commence the training
28 and education not later than January 1, 2006, due to the existence
29 of a waiting list for the training education must commence the
30 training and education as soon as possible after January 1, 2006.

31 (b) An individual appointed as a school corporation police
32 officer after December 31, 2004, and before July 1, 2005, must
33 commence the training and education required under
34 IC 20-5-2-9(c), as added by this act, not later than one (1) year
35 after the individual's appointment. However, an individual who is
36 unable to commence the training and education within one (1) year
37 of the individual's appointment due to the existence of a waiting list
38 for the training and education must commence the training and
39 education as soon as possible after the expiration of the one (1)
40 year period.

41 (c) Notwithstanding IC 20-5-2-9(c), as added by this act, an
42 individual appointed as a school corporation police officer before

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1 **July 1, 2005, who is unable to complete the training and education**
2 **required under IC 20-5-2-9(c), as added by this act, not later than**
3 **July 1, 2008, due to the existence of a waiting list for the training**
4 **and education must complete the training and education as soon as**
5 **possible after July 1, 2008.**
6 **(d) This SECTION expires January 1, 2009.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 35, after "least" insert ":

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2)".

Page 5, line 41, delete "2010," and insert "2008,".

Page 5, line 41, after "least" insert ":

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2)".

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2005] (a) An individual appointed as a school corporation police officer before January 1, 2005, must commence the training and education required under IC 20-5-2-9(c), as added by this act, not later than January 1, 2006. However, an individual who is unable to commence the training and education not later than January 1, 2006, due to the existence of a waiting list for the training education must commence the training and education as soon as possible after January 1, 2006.

(b) An individual appointed as a school corporation police officer after December 31, 2004, and before July 1, 2005, must commence the training and education required under IC 20-5-2-9(c), as added by this act, not later than one (1) year after the individual's appointment. However, an individual who is unable to commence the training and education within one (1) year of the individual's appointment due to the existence of a waiting list for the training and education must commence the training and education as soon as possible after the expiration of the one (1) year period.

(c) Notwithstanding IC 20-5-2-9(c), as added by this act, an individual appointed as a school corporation police officer before July 1, 2005, who is unable to complete the training and education required under IC 20-5-2-9(c), as added by this act, not later than July 1, 2008, due to the existence of a waiting list for the training and education must complete the training and education as soon as possible after July 1, 2008.

(d) This SECTION expires January 1, 2009."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1170 as introduced.)

RUPPEL, Chair

Committee Vote: yeas 7, nays 0.

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